



**City of Nashua**  
**Planning Department**  
229 Main Street  
Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090  
WEB www.nashuanh.gov

8 ✓

**VARIANCE APPLICATION (ZBA)**

**PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL NOT BE ACCEPTED**

**I. VARIANCE INFORMATION**

1. ADDRESS OF REQUEST 19 Brackenwood Drive - Nashua NH 03062

Zoning District R-18 Sheet B Lot 2624 ✓

2. VARIANCE(S) REQUESTED:

A residential driveway may not exceed 24 ft in width within 20 ft of the front property line. Code 190-17E. ✓  
Variance requested to allow for a driveway to access a potential 3rd garage bay by starting a taper at the property line ~ 11 ft from the street and expanding to an additional width of 14 ft from existing driveway.

**II. GENERAL INFORMATION**

1. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)

(Print Name): Timothy Coker

Applicant's signature Timothy Coker Date 08 FEB 2022

Applicant's address 19 Brackenwood Drive - Nashua NH 03062

Telephone number H: 603 521 7897 C: 603 759 3025 E-mail: tbcoker@hotmail.com

2. **PROPERTY OWNER (Print Name):** Timothy Coker

\*Owner's signature Timothy Coker Date 08 FEB 2022

Owner's address 19 Brackenwood Drive - Nashua NH 03062

Telephone number H: 603 521 7897 C: 603 759 3025 E-mail: tbcoker@hotmail.com

\*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).

**OFFICE USE ONLY**

Date Received 2/8/22 Date of hearing 3/8/22

Application checked for completeness: CF

A# 22-0024

Board Action \_\_\_\_\_

\$ \_\_\_\_\_ application fee ☐

Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

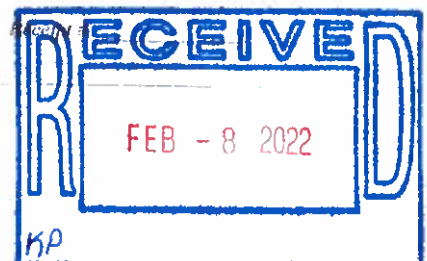
\$ \_\_\_\_\_ signage fee ☐

Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

\$ \_\_\_\_\_ certified mailing fee ☐

Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

Land Use Code Section(s) Requesting Variances From: 190-17 (E)



### III. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attach additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

1. **Granting of the requested variance will not be contrary to the public interest, because:** (The proposed use must not conflict with the explicit or implicit purpose of the ordinance, and it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")
  - It is consistent with the intended renovation for inclusion of a 3rd garage bay. See attachment for potential renovation with 3 garage bays.
  - It is similar to multiple homes in close proximity to the property. See attachment for example homes with similar variance.
  - It allows for a more aesthetically pleasing driveway from view of the street and surrounding properties.
  
2. **The proposed use will observe the spirit of the ordinance, because:** (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")
  - It does not increase the width of the driveway where it meets the street. Variance is 11 ft from street.
  - It does not encroach on the side (20 ft) or rear (40 ft) setback rules.
  - It does not result in a paved surface that covers a substantial portion of the 0.47 acre lot.
  - It results in a driveway similar to adjacent neighbors and multiple homes in the neighborhood. See attachment for example homes.
  
3. **Substantial justice would be done to the property-owner by granting the variance, because:** (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)
  - It will allow owners to proceed with plans for adding 3rd garage bay that can be accessed from street without difficulty. A driveway for a 3rd bay under current regulations will not allow a large vehicle (full size truck or sports utility vehicle) to straighten out prior to entering the garage. Should the variance be approved, the renovation project will be initiated. Failure to gain approval of the variance will result in the property owners reconsidering the renovation due to limited access to 3rd garage bay. The driveway without the variance will be insufficient, an awkward shape and may require the owners to drive on the grass to enter the potential 3rd garage bay.
  
4. **The proposed use will not diminish the values of surrounding properties, because:** (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)
  - It is part of a larger project planned by the property owners intended to increase the features and overall value of the residence.
  - It does not encroach on side (20 ft) or rear (40 ft) setback requirements for the property.
  - It results in an expanded driveway similar to other properties in the neighborhood. See attachment for example homes.

5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship,** because: (The applicant must establish that because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.)

The property owners have outlined plans for a renovation to the home that includes the addition of a 3rd garage bay. The intended extension to the footprint of the home are within the setback requirements for the property. A 3rd garage bay added to a different locaton on the property is not logical or practical.

#### IV. USE VARIANCE ADDITIONAL INFORMATION

Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees  Number of employees per shift   
 b. Hours and days of operation   
 c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors   
 d. Number of daily and weekly commercial deliveries to the premises   
 e. Number of parking spaces available   
 f. Describe your general business operations:  
n/a - Residential Property

- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation:

Property owners are planning to add a 3rd garage bay to a current 2-bay garage. Project also includes adding living space above and behind garage. Initiation is pending determination of suitable driveway.

*I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction. I understand that only those points specifically mentioned are affected by action taken on this appeal.*

  
 Signature of Applicant

08 FEB 2022  
 Date

TIMOTHY COKER  
 Print Name

08 FEB 2022  
 Date

The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- ☐ I will pick it up at City Hall  
☒ Please email it to me at   
☐ Please mail it to me at

**19 Brackenwood Drivew - Driveway Variance Application Attachments**

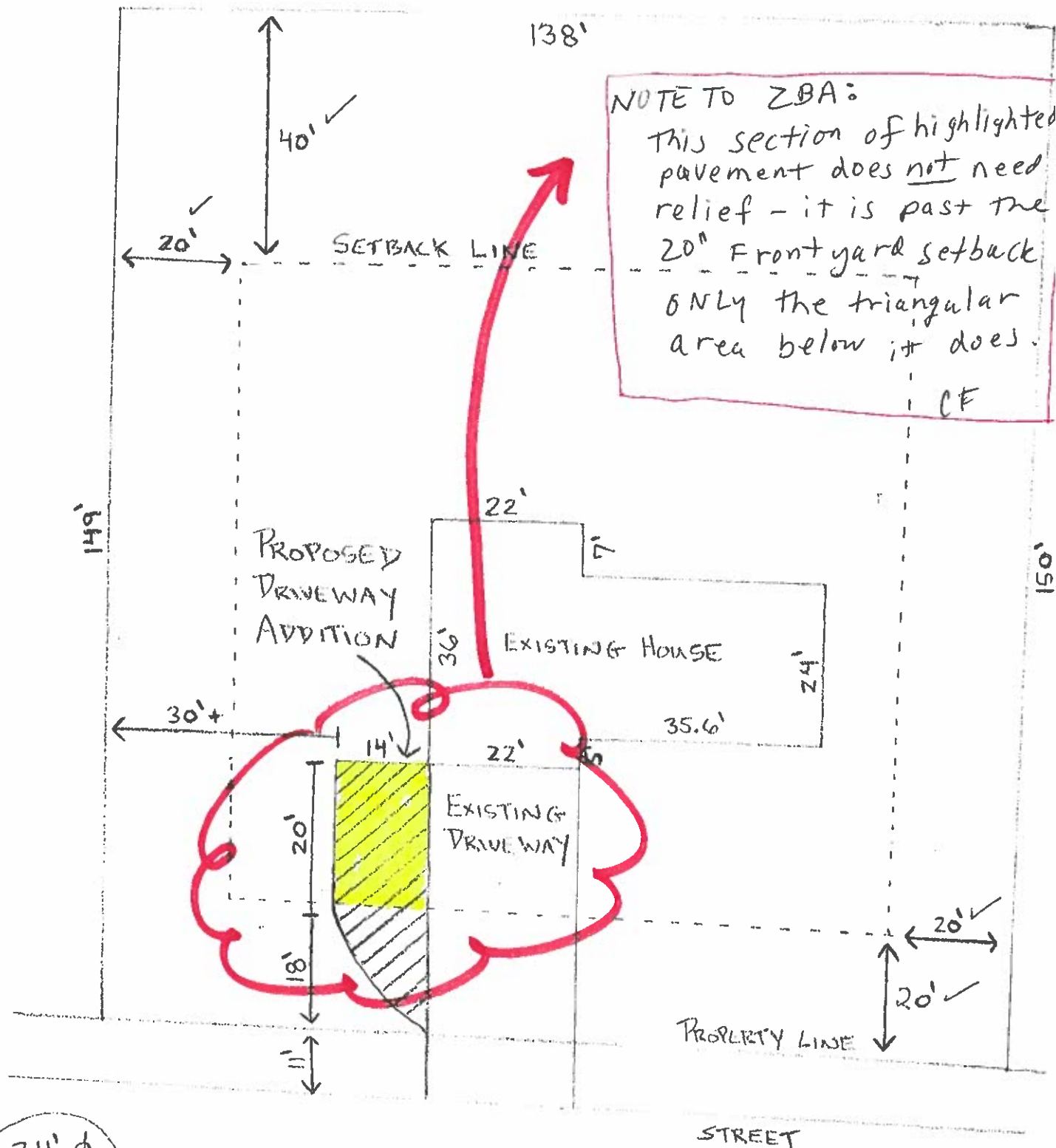
Attachment 1 – Current Home & Renovation Sketches

Attachment 2 – Driveway Options Without & With Variance

Attachment 3 – Requested Plot Plan with Driveway Variance

Attachment 4 – Neighborhood Homes with Similar Driveway Variance

19 BRACKENWOOD DRIVE  
LOT 2624



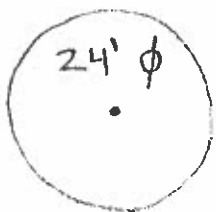
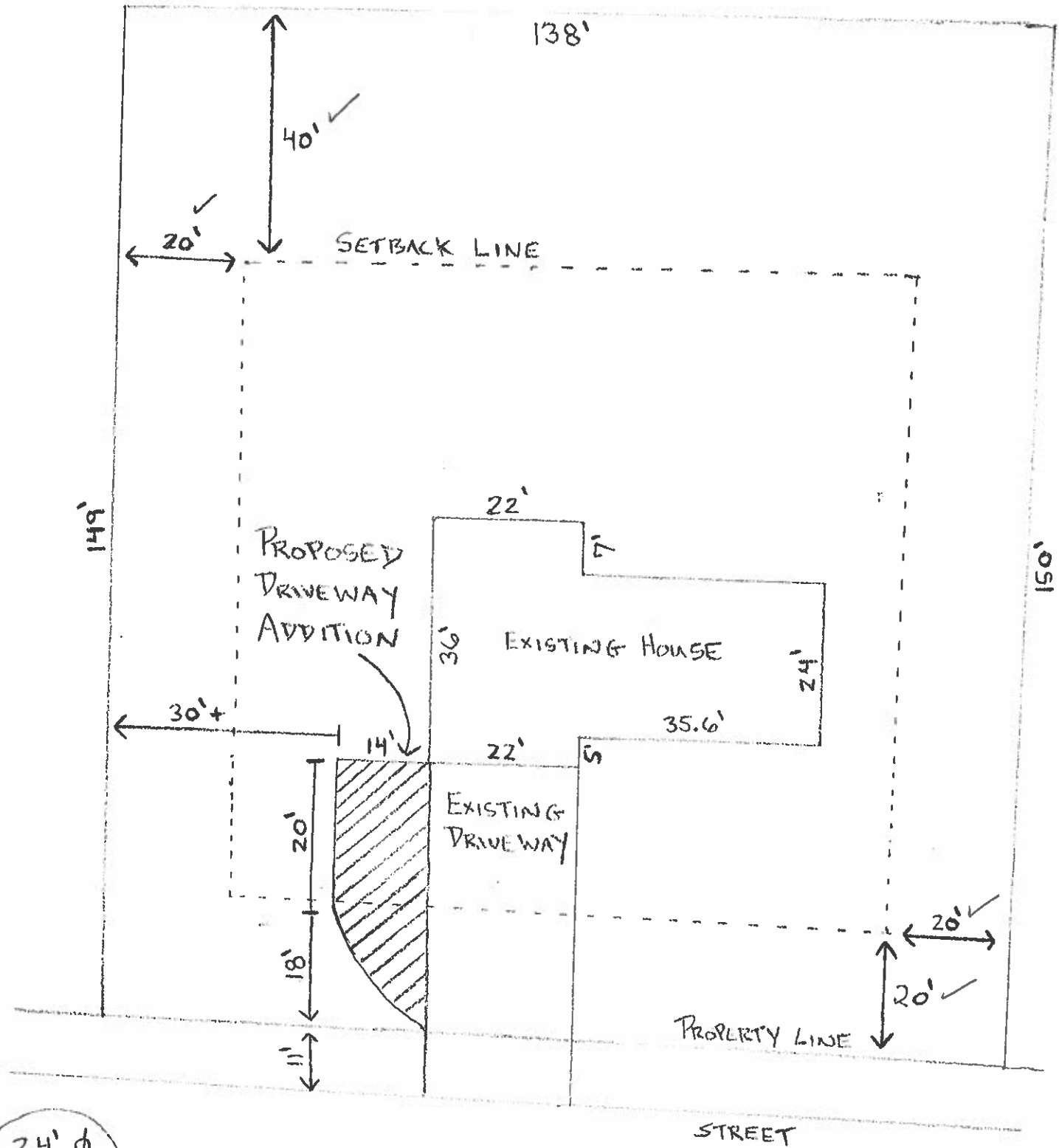
NOTE TO ZBA:

THIS section of highlighted pavement does not need relief - it is past the 20' Front yard setback ONLY the triangular area below it does.

CF

← BRACKENWOOD DRIVE →

19 BRACKENWOOD DRIVE  
LOT 2624



← BRACKENWOOD DRIVE →

Draft Plot Plan of Potential Renovation



### **Attachment 1 – Current Home & Renovation Sketch**

Current residence at 19 Brackenwood Drive – Nashua, NH 03062 includes a 2-bay garage. There is currently no living space above the garage. The property owners have worked with an architect and contractor to develop a renovation plan that adds a double deep 3<sup>rd</sup> garage bay, living space above and behind the garages and a covered rear patio. The increased size of the home is within all front, side and rear setback requirements. While reviewing structure setback requirements with City of Nashua – Planning & Zoning we were informed of the driveway restrictions. An expanded driveway was not expected to be an issue during planning of the project due to numerous homes in our neighborhood having driveways that exceed the regulations shared by City of Nashua – Planning & Zoning. The reason for the requested variance is to allow the desired access into the potential new 3<sup>rd</sup> garage bay via a paved driveway. The renovation project has not been initiated and further planning is on hold while the driveway options are understood.

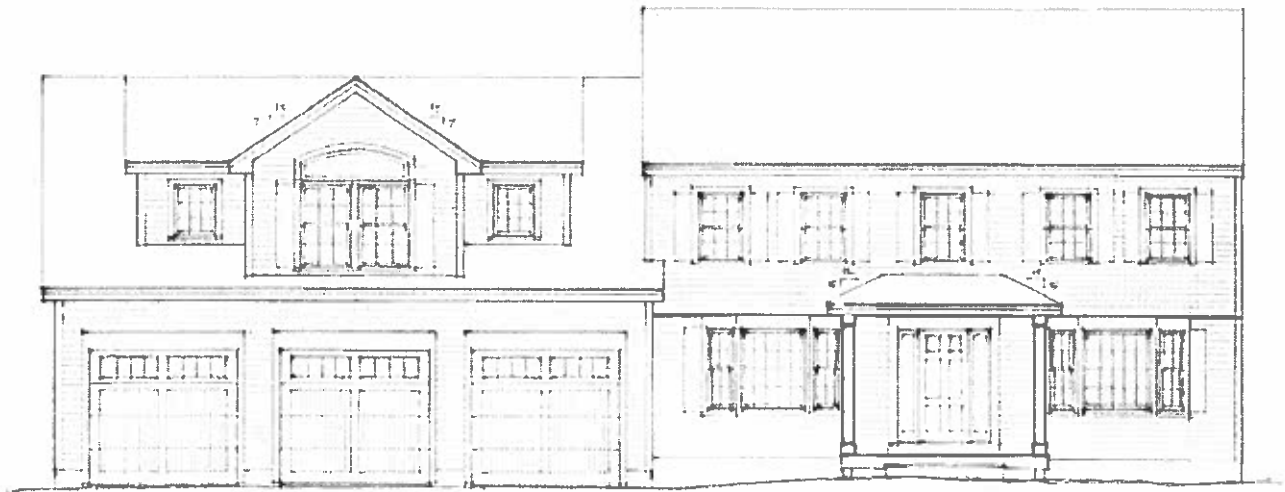
The variance request is for the driveway, not the renovation. The renovation is within regulations reviewed with City of Nashua – Planning & Zoning. The information on the renovation is provided as background for the requested variance.

#### **Current Home**





Sketch of Potential Renovation



## **Attachment 2 – Driveway Options Without & With Variance**

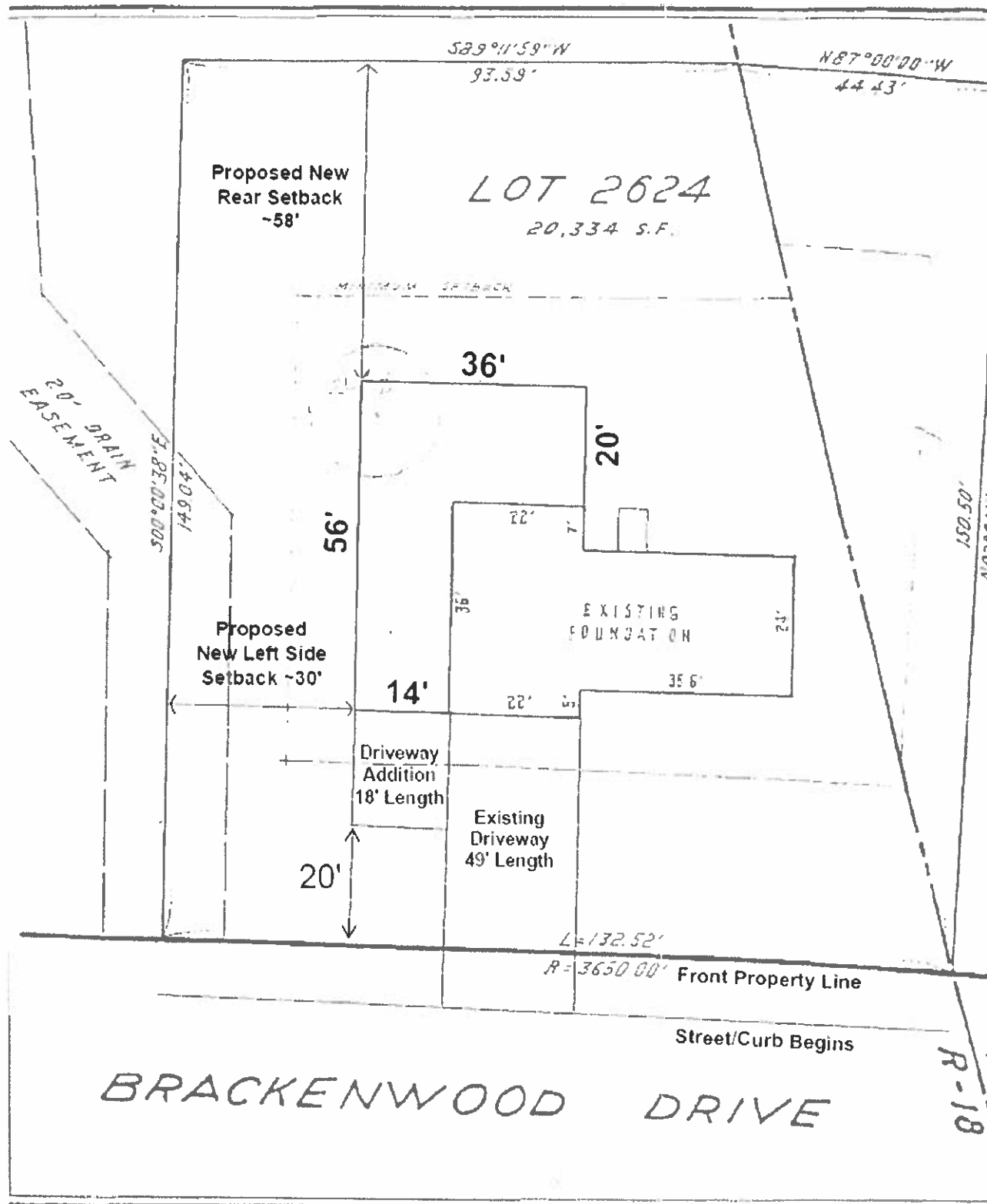
The current driveway varies between 20 to 22 feet wide and is approximately 49 feet long.

The 49 foot length was measured from the house foundation to the street.

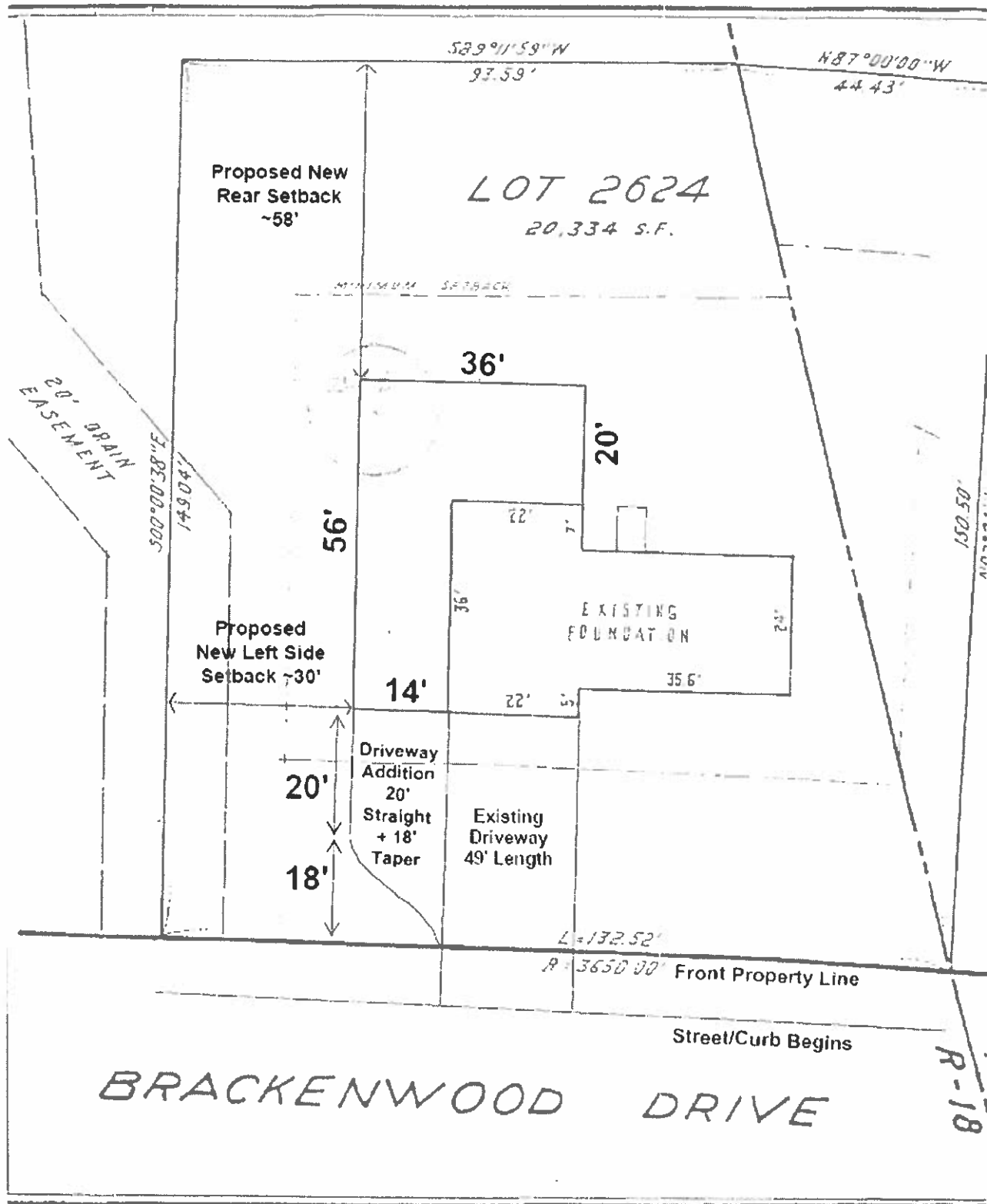
Nashua GIS maps indicate the front property line is approximately 11 feet from the street.

Guidance provided by City of Nashua – Planning & Zoning stated an increase in the width of the existing driveway must not exceed 24 feet within 20 feet of the property line. A driveway within this regulation will not allow for a large vehicle (full size truck or sport utility vehicle) to straighten out prior to entering the proposed new 3<sup>rd</sup> garage bay.

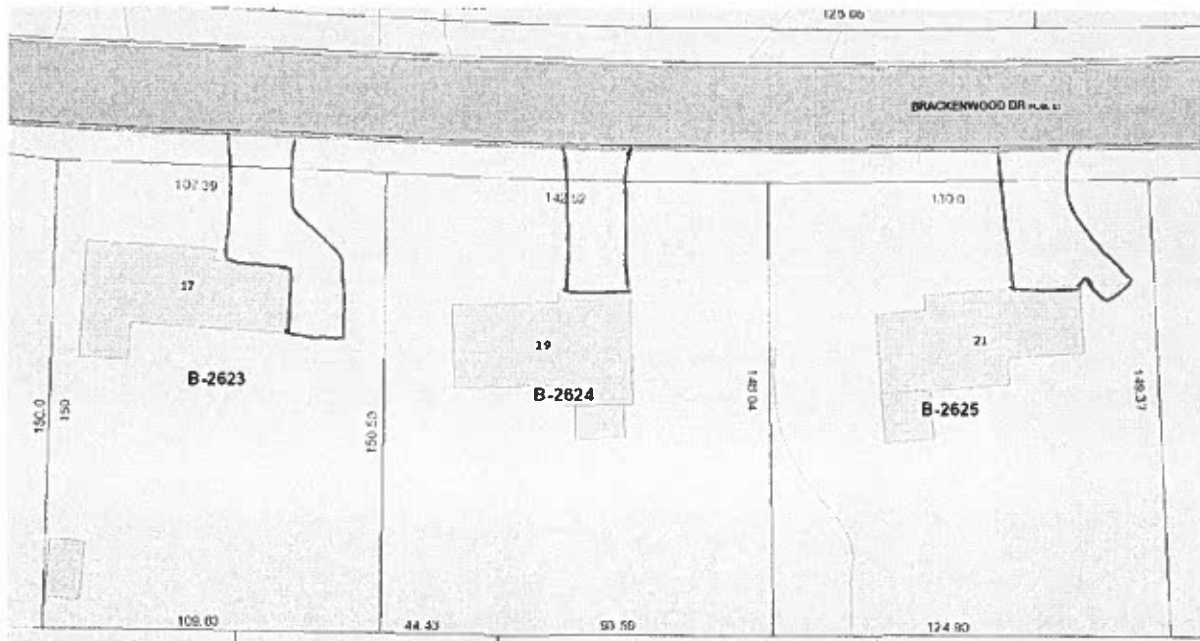
# Driveway Based on Regulations



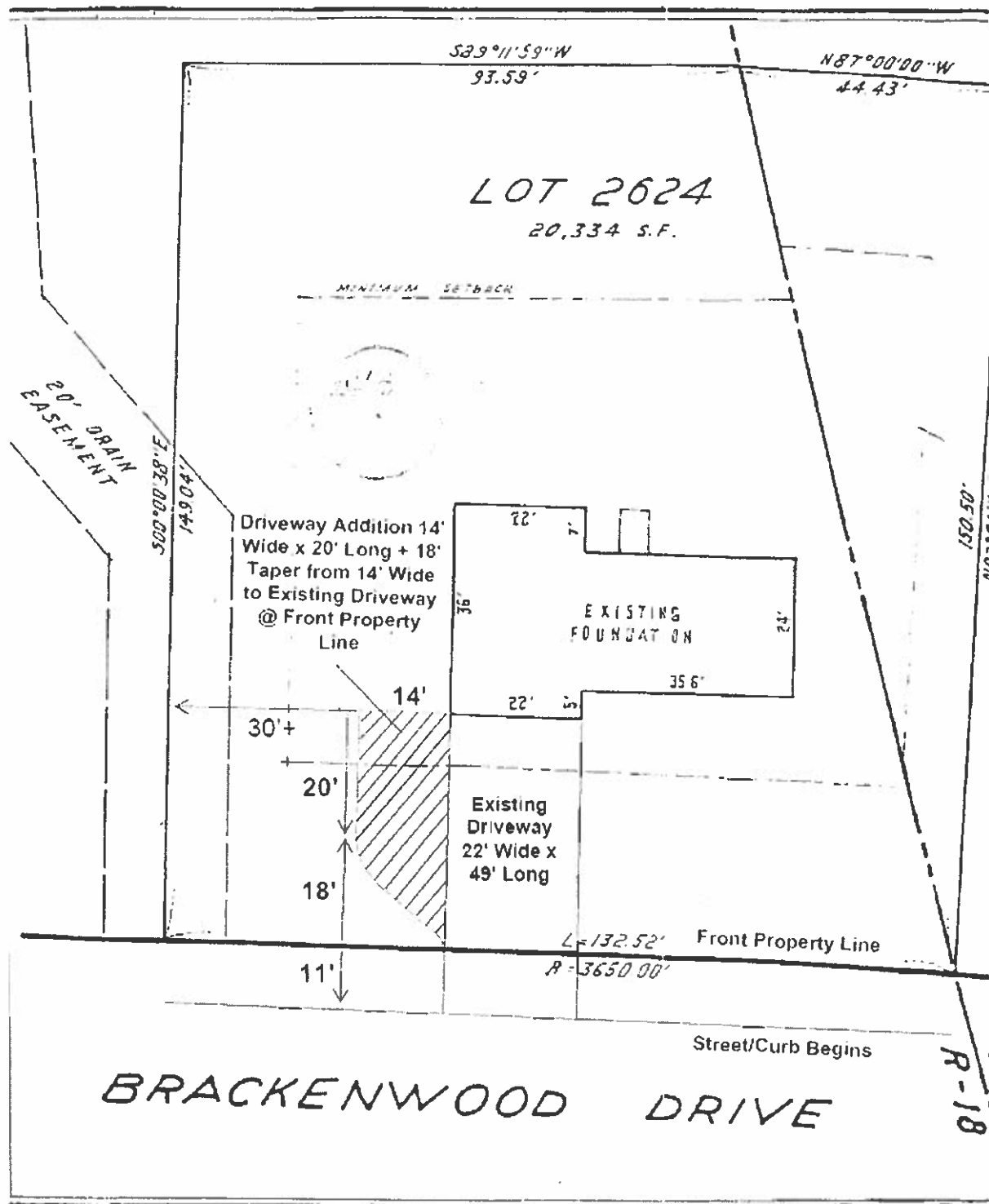
Desired Driveway with Variance



The request has similar intent as neighbors at 17 and 21 Brackenwood Drive have already implemented without the presence of a 3<sup>rd</sup> garage bay. Requested variance at 19 Brackenwood Drive does not come as close to adjacent side property lines as expanded driveways of neighbors.



**Attachment 3 – Requested Plot Plan with Driveway Variance**



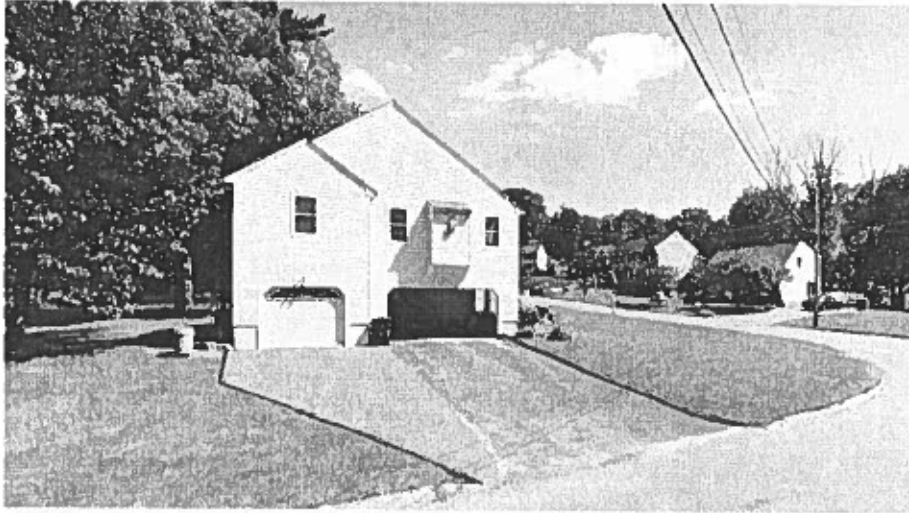
#### **Attachment 4 – Neighborhood Homes with Similar Driveway Variance**

Included are examples of driveways that appear to exceed the maximum of 24 feet in width within 20 feet of the property line in the neighborhood of 19 Brackenwood Drive. Examples are provided to show approved exceptions to the regulation and a lack of negative impact on the neighborhood. All examples are in the area south of East Dunstable Road between Route 3 and Spitbrook Road.

##### **11 Kelly Street – Nashua NH (Driveway off of Topaz Drive)**

Driving Distance from 19 Brackenwood Drive – 0.4 miles

Comment: House with 3<sup>rd</sup> garage bay added and widened driveway with taper from street.



##### **11 Coleridge Road – Nashua NH (Driveway off of Swift Drive)**

Driving Distance from 19 Brackenwood Drive – 1.3 miles

Comment: House with 3<sup>rd</sup> garage bay added and widened driveway with taper from street.



**86 Spindlewick Drive – Nashua NH**

Driving Distance from 19 Brackenwood Drive – 0.5 miles

Comment: House does not have a 3<sup>rd</sup> garage, but shape of driveway is similar to variance requested.



**8 Kyle Drive – Nashua NH**

Driving Distance from 19 Brackenwood Drive – 0.7 miles

Comment: House does not have a 3<sup>rd</sup> garage, but shape of driveway is similar to variance requested.

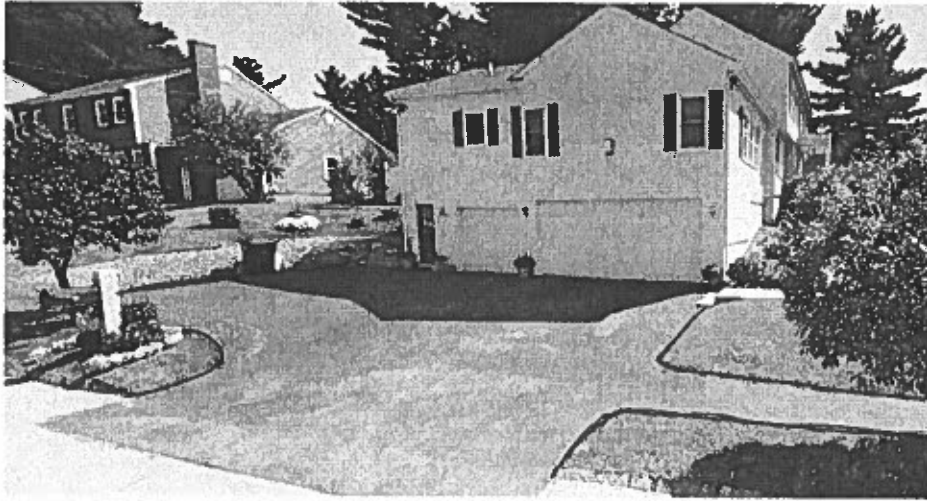




**15 Spindlewick Drive – Nashua NH (Driveway off of Brackenwood Drive)**

Driving Distance from 19 Brackenwood Drive – 0.2 miles

Comment: House with 3<sup>rd</sup> garage bay added and widened driveway less than 20 feet from street. The requested variance is less of a deviation from regulations than this example.



**8 Topaz Drive – Nashua NH**

Driving Distance from 19 Brackenwood Drive – 0.3 miles

Comment: House sold in 2021. New owners paved ~1/2 the front yard down to sidewalk. The requested variance is less of a deviation from regulations than this example.



**19 Cameron Drive – Nashua NH**

Driving Distance from 19 Brackenwood Drive – 0.7 miles

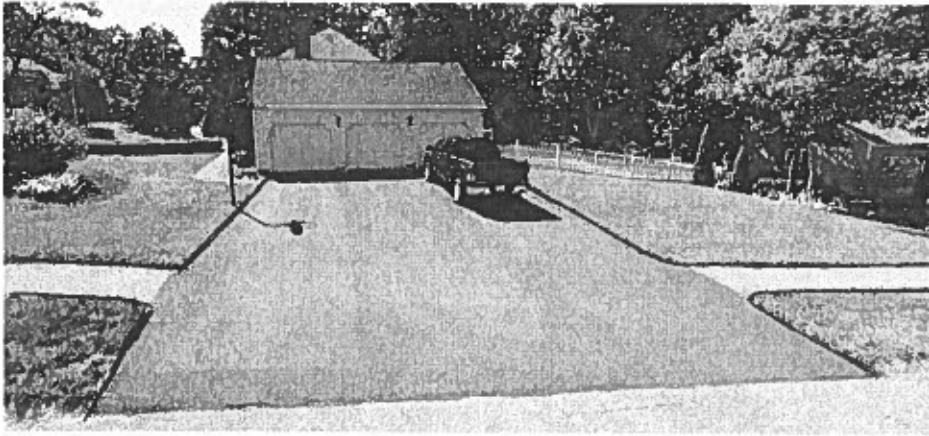
Comment: House has 3<sup>rd</sup> garage and driveway 3 bays wide all the way to street. The requested variance is less of a deviation from regulations than this example.



**16 Cameron Drive – Nashua NH (Driveway off of Kyle Drive)**

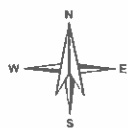
Driving Distance from 19 Brackenwood Drive – 0.7 miles

Comment: House has 3<sup>rd</sup> garage and driveway 3 bays wide all the way to street. The requested variance is less of a deviation from regulations than this example.





# 19 Brackenwood Drive





## 19 Brackenwood Drive

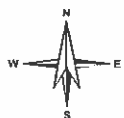


0 150 300 600 Feet





## 19 Brackenwood Drive



0 75 150 300 Feet

